

To: Forrest, Sabrina[Forrest.Sabrina@epa.gov]; Miller, Johanna[Miller.Johanna@epa.gov]
From: Wendel, Jennifer
Sent: Mon 8/24/2015 5:06:53 PM
Subject: FW: NPL listing and the Economy -- article on Gold King Mine

From: Zaragoza, Larry
Sent: Monday, August 24, 2015 12:22 PM
To: Ammon, Doug; Jeng, Terry; Wendel, Jennifer; Avvisato, Frank; Friedland, Melissa
Cc: Wells, Suzanne; Dreyfus, Melissa G.; Gartner, Lois
Subject: NPL listing and the Economy -- article on Gold King Mine

Doug, I thought you Terry and Jennifer might want to read this article. Also Frank and Melissa, you might want to think about some of the citizen concerns about listing and the economy.

Larry

What will it take to get Superfund status in Silverton?

After Gold King Mine disaster, many Silverton residents still oppose it because of 'stigma'

By [Chase Olivarius-Mcallister](#) Herald staff writer

Article Last Updated: Saturday, August 15, 2015 8:12pm

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Wastewater continued to stream out of the Gold King Mine on Tuesday near Silverton, several days after a rush of 3 million gallons of it flooded Cement Creek and the Animas River. At the top of the photo is the mine's opening, where an Environmental Protection Agency cleanup team was working with heavy machinery Aug. 5 and hit an earthen wall that had millions of gallons of water built up behind it.

Geoff Liesik/The Deseret News

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Three million gallons of sludge rushed out of Gold King Mine last week, flooding the Animas River with higher levels of metals than usual, causing economic and environmental damage in three states. Yet in the wake of the disaster, many Silvertonians are redoubling their resistance to a Superfund listing the Environmental Protection Agency has long argued is necessary to deal with the town's network of draining mines.

Resident John Ferguson harbors a deep mistrust of the EPA – the government department that is responsible for accidentally triggering the massive spill – and questions the agency's ability to fix leaky mines without causing greater harm.

"The institutional arrogance of the EPA is so great; it's their way or the highway," Ferguson said Thursday, eight days after the mine spill. "It was appalling stupidity that this incident happened. ... Who's going to protect us from the protectors?"

Tim Hewett said the "pro-Superfund forces are very vocal right now," but the majority of the town's residents still oppose any such listing on the National Priorities List, fearing the designation will ruin the town's reputation, strangle credit and blight the local economy.

"I'm afraid of the EPA. They're too powerful," Hewett said. "There's suspicion on my part that now the EPA is sitting judge and jury to decide the outcome of a fate that is a result of their negligence."

But to the thousands of people living downstream of Silverton, the problem isn't so much the EPA as it is Silverton residents' decades-long refusal to accept that their mines require federal intervention.

River advocate Dave Wuchert of Dolores said Silverton "had to know those mines would fill up (with water). I don't blame the EPA."

Wuchert said it is obvious that Gold King Mine's owner, San Juan Corp., and Kinross Gold, which owns the last company to do major mining in Silverton, Sunnyside Gold, are liable for the environmental disaster, and the public should hold them most accountable.

Even before the Aug. 5 Gold King disaster, which polluted more than 100 miles of rivers in three states, U.S. Geological Survey scientists described the metals flowing out of Silverton's network of defunct mines into the Animas as the worst untreated mine damage in Colorado. The metal pollution in Cement Creek is so bad that it is choking off the Upper Animas River's ecosystem.

Since the spill, Silverton, a remote tourist hamlet high in the San Juan Mountains, has been in full-blown crisis. DeAnne Gallegos, director of the Silverton Area Chamber of Commerce, ruefully said that the financial pain caused by families canceling trips in light of the pollution had been offset by the influx of media and EPA employees.

"The hotels are full," she said Thursday.

With merely 500 residents in town this August, Gallegos said that to combat the bad international publicity and the media circus that descended last week on Silverton, the town and county governments drafted Silverton's lone county judge, Anthony Edwards, to act as the town's spokesman to the wider world. But explaining Silverton's continuing resistance to Superfund looked difficult even for Edwards, who said Thursday he wasn't aware of any current discussion between the town trustees or the county commissioners and the EPA about Superfund.

"There's a fair group of people in the community who worry that if we were to be designated a Superfund area, it would impact the tourist economy here and result in a lack of lending for homes and businesses," Edwards said.

Asked how the stigma of a Superfund designation could possibly injure Silverton more than the stigma attached to being the tiny town that for decades defied the EPA's pleading only to bestow millions of gallons of heavily polluted mine wastewater on downstream communities through Colorado, New Mexico and Utah, Edwards said, "I don't know how to answer that."

"I know some people are pointing the finger at the town of Silverton and San Juan County, but that's not necessarily fair," he said, saying the town and county had been working with the EPA on Animas River cleanup through the Animas River Stakeholders Group for decades. The stakeholders group is an organization dedicated to improving water quality in the river.

The EPA first tried to make parts of Silverton a Superfund site in 1994 and place its draining mines on the National Priorities List, which would allow the agency to treat the mine waste as it saw fit while also holding mining companies financially responsible.

Edwards acknowledged that while some people, including stakeholder members, believe the Gold King Mine spill could have been averted if the town had let the EPA declare its draining mines a Superfund site 20 years ago: "That's just speculation at this point. Hindsight is 20/20," he said, before adding: "These aren't necessarily my views."

But to people living outside Silverton who have been involved in the Animas River cleanup for decades, Silverton's anti-Superfund logic is torturous, and residents' attempts to blame the Gold King spill on the EPA rather than on mining companies is willfully incorrect.

Robert Robinson, who used to represent the Bureau of Land Management in the stakeholder's group, said if Silverton had only embraced a Superfund designation 20 years ago, the mines poisoning the Animas would have been cleaned up by now.

"If the EPA, BLM and (Colorado Department of Health and Public Environment) had gone after Kinross back in the day, Kinross would now be in the process of cleaning it up. But the EPA, in an attempt to be good guys and sensitive to the citizens of San Juan County, didn't. Now the cleanup is going to be at taxpayers' expense. Downstream people are outraged – and I agree with that camp."

San Juan Corp. President Todd Hennis told The New York Times on Monday that Kinross is at fault for the spill. Kevin Roach, Sunnyside reclamation director, said in an email to The Associated Press on Tuesday that it had no role in the Gold King accident.

The toll that Silverton's draining mines has taken on the Animas River's ecosystem has grown more deadly in recent years, killing off three out of the four trout species that lived in the Upper Animas River below Silverton between 2005 and 2010 and slashing its insect population.

Robinson said most of the watersheds in Colorado have fish in them, including downstream from Superfund sites Summitville and Leadville. But there are no fish downstream from Silverton, he said.

San Juan County Historical Society Chairwoman Bev Rich said residents' intransigent opposition to Superfund partially stems from locals' deep allegiance to the industry that built the town.

"There's a lot of people who blame the demise of mining here on the EPA and mining regulations that have increased over the last century," Rich said.

But, she added, in the wake of the Gold King spill, some locals' antipathy to Superfund and the EPA, far from diminishing, had grown increasingly virulent.

"Now there's a conspiracy theory going on," she said.

On Greene Street, two of its local adherents who refused to be named, posited that the EPA deliberately triggered the Gold King disaster in order to finagle Superfunding Silverton; their smoking gun evidence was a letter to the editor of the Silverton Standard & Miner published one week before the spill in which the author, a Farmington geologist, predicted such a scheme unfolding.

The Standard's editor, Mark Esper, said Silvertonians' Superfund conspiracy theory had spilled into the wider world. Esper was forced to leave his office last week because the cacophony of phone calls from media and bloggers about the letter to the editor was preventing him from getting any work done.

That day, after years of editorializing about his hesitancy to favor a Superfund designation, Esper published an editorial in Thursday's Standard full-throatedly backing it: "Suspensions of the EPA run deep in this community. But until I see a more viable alternative for dealing with this huge problem, this community in my view must endorse Superfund," he wrote.

Intellectually and ethically, it's the right position, he told The Durango Herald.

"But I might lose readers," he said.

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